



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

Dave H. Trinh,

Licensee.

) No. D 03 - 273

) ORDER REVOKING LICENSE

)

To: Dave H. Trinh
10842 SE 208th St. # 215
Kent, WA 98031

DECLARATION OF MAILING

Phone: (360) 725-7000
I certify under penalty of perjury
Under the laws of the State of
Washington that I have caused
below, I mailed or caused delivery
of a true copy of this document to

DATED this 10th day of December 2003
At Tumwater, Washington

Signed Victoria Meyers

FILED

FEB 09 2004

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your licenses are REVOKED,
effective December 30, 2003, pursuant to RCW 48.17.530 and 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING GROUNDS:

Department of Financial Services (DFI) notified the Office of the Insurance Commissioner (OIC) in February 2003 of an order issued against Dave H. Trinh (licensee) to cease and desist from acting as a securities broker-dealer or securities salesperson without being so registered. The attached certified copy of DFI's final order (S-02-235-03-FO01) presents evidence that the licensee is untrustworthy and a source of injury and loss to the public.

1. As summarized in the DFI order, starting in April 1998, when the licensee was contacted by Washington resident Mr. Thomas J. Grove (Grove) to review his finances, the licensee committed a number of fraudulent activities which resulted in Grove losing approximately \$270,000. Grove wanted to move his pension funds and invest them in the stock market. The licensee held a Series 6 securities license which allowed him to sell only variable insurance products. He was not licensed as a Series 7 securities representative and therefore could not sell securities (stocks). The licensee recommended that Grove buy a variable annuity and based on the licensee's recommendation a Massachusetts Mutual Life Insurance Company (MML) variable annuity application was completed.
2. In September 1998 the licensee recommended that Grove purchase another variable annuity. Licensee also recommended that Grove purchase 500 shares of Elk City Mining stock for \$1,000. Grove gave the licensee a check for \$15,000 to execute the recommended purchases. The licensee failed to disclose to Grove that he was not licensed to sell the Elk City Mining stock. Instead, on or about October 2, 1998 the licensee, without Grove's consent or knowledge opened an account with Web Street Securities, Inc. in Grove's name and signed Grove's name to the account application. The licensee provided his own telephone and e-mail address in the application, falsely representing that it was Grove's telephone number and e-mail address. The licensee continued to deceive Grove regarding his investments and variable annuity purchases. The licensee told Grove that MML was affiliated with Web Street Securities. In reality, MML is not, nor has it ever been affiliated with Web Street.

ORDER REVOKING LICENSE

No. D 03 - 273

Page 2

3. On May 29, 2003 OIC received a complaint filed against the licensee by Attorney David E. Duskin (Duskin) on behalf of his clients, Randy and Cindy Pruden. Duskin outlined the following events:
 - a. In the summer of 2001, Randy J. Pruden completed an application to acquire \$180,000 of term life insurance through Investors Insurance Company of America (Investors). Included in the request for life insurance was a request for unemployment benefit rider.
 - b. In April of 2002 Randy Pruden was laid off from Boeing and he made application for the benefits under the policy. At this time he was informed by Investors that there was no benefit for unemployment. Randy Pruden had never received his policy. When he received the requested copy he found that the amendment that acknowledged that no unemployment insurance was included was not his signature and the licensee's signature appeared on the same form verifying that Randy Pruden had signed the amendment. There was also a delivery copy receipt showing evidence that the policy had been delivered by the licensee. The signature that appeared on the delivery receipt was not Randy Pruden.

RCW 48.17.530 provides that: (1) The commissioner may suspend, revoke, or refuse to issue any license which is issued or may be issued under this chapter or any surplus line broker's license for any cause specified in any other provision of this code, or for any of the following causes: (h) If the licensee or applicant has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.

By reason of your conduct you have shown yourself to be and are so deemed by the commissioner, untrustworthy and a source of injury and loss to the public and not qualified to be an insurance agent in the State of Washington. Accordingly, your license is revoked pursuant to RCW 48.17.530(1) (h).

IT IS FURTHER ORDERED that you return your insurance agent's license certificate to the Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4).

NOTICE CONCERNING YOUR RIGHT TO A HEARING. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020.

ORDER REVOKING LICENSE

No. D 03 - 273

Page 3

Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

Please send any demand for hearing to Insurance Commissioner, attention Scott Jarvis, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ENTERED AT TUMWATER, WASHINGTON, this 10th day of December, 2003.

MIKE KREIDLER
Insurance Commissioner

By



SCOTT JARVIS
Deputy Commissioner

Investigator: Tom Talarico

NOTICE OF YOUR RIGHT TO A HEARING

You have the right to demand a hearing to contest this Order. During this hearing, you can present your argument that the Order should not have been entered for legal and/or factual reasons and/or to explain the circumstances surrounding the activities which are the subject of this Order. You may be represented by an attorney if you wish, although in some hearings before this agency parties do choose to represent themselves without an attorney.

Your Demand for Hearing should be sent to Scott Jarvis, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257, and must briefly state how you are harmed by this Order and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, Office of the Insurance Commissioner, at 360/725-7002.

Your Demand for Hearing must be made within 90 days after the date of this Order, which is the date of mailing, or your Demand will be invalid and this Order will stand. If your Demand for Hearing is received before the effective date of this Order, the penalties contained in the Order will be stayed (postponed) until after your hearing.

It is important to know that if you demand a hearing, you will have two options for how it will be handled:

Option 1: Unless you specifically request Option 2, your hearing will be presided over by an administrative law judge from the Office of the Insurance Commissioner. Under this option, upon receipt of your Demand for Hearing, the Insurance Commissioner may refer the case to an administrative law judge. The administrative law judge is an individual who has not had any involvement with this case. The administrative law judge will hear and make the final decision in the case without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. This administrative law judge's final decision may uphold or reverse the Commissioner's action or may instead impose any penalties which are less than those contained in the Order.

Option 2: If you elect, your hearing will be presided over by an administrative law judge from the Office of Administrative Hearings. That administrative law judge will issue an initial or recommended decision which will then be sent to the Insurance Commissioner. The Insurance Commissioner, or his designee, will review the initial decision and make the final decision. The Insurance Commissioner's final decision in the case may uphold, reverse or modify the initial decision, thereby changing the penalty which is recommended in the initial decision. In writing the final decision, the Insurance Commissioner is not bound by the findings of facts or conclusions of law which were made in the initial decision.